



CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES

Monday, 3rd January, 1949

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF PAKISTAN

Monday, the 3rd January, 1949

The Constituent Assembly of Pakistan met in the Assembly Chamber, Karachi, at Half Past Ten of the Clock, Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.

MOTION *RE* : REPORT OF THE COMMITTEE APPOINTED TO RECOMMEND ADDITION AND/OR RE-DISTRIBUTION OF SEATS IN THE CONSTITUENT ASSEMBLY—*contd.*

• **The Honourable Khwaja Shahabuddin** (East Bengal : Muslim) : Sir, I beg to move :

“That the †Report of the Committee appointed to examine the question of addition and/or re-distribution of seats in the Constituent Assembly be taken into consideration.”

Mr. President : Motion moved :

“That the Report of the Committee appointed to examine the question of addition and/or re-distribution of seats in the Constituent Assembly be taken into consideration.”

***Mr. Nur Ahmed** (East Bengal : Muslim) : Sir, while supporting the motion before the House, I wish to make a few inquiries from the Honourable the Mover of the motion. Sir, it appears from the reference made to this Committee, as will be found from the resolution passed by the House, that it was —

“That this Assembly do resolve that a Committee consisting of four members and a Chairman be nominated by the President to report to the Assembly by the 1st April, 1948, on the following matter—

- (i) addition and/or re-distribution of seats in the Constituont Assembly in view of the recent changes in the population of various provinces of Pakistan ; and
- (ii) procedure for giving effect to take Committee's recommendations.”

It appears from the Report that the Committee did not consider the case of East Bengal. Sir, there had been great influx in East Bengal from Burma and Bihar and other Provinces. Sir, as far as my knowledge goes two lakhs of people have come to Chittagong alone and settled there. And from Bihar, I think, more than two lakhs have come to East Bengal. Sir, the East Bengal Government did not put their claim for additional seats and the Committee did not think it desirable to make any inquiry whether any change has been effected in the population of East Bengal. Sir, I think this matter should have been investigated. I do not think any witness from East Bengal was examined or any questionnaire was sent to East Bengal for reply.

Sir, one thing more also does not seem to have been considered by the Committee. There were such minority community as Buddhists in East Bengal after the inclusion of Chittagong Hill Tract. As far as my information goes their number comes to more than three to four lakhs. No consideration appears to have been made as regards this very important minority. Sir, this is a very powerful minority and they now live in Chittagong District ; they are in Chittagong Division alone. Their case has not been considered. With all respect to the members of this Committee, I want to know whether any consideration was made of this Buddhist community while this Report was prepared. Sir, if it was not considered, then my appeal to this House and to the Government is that their case should be considered and they should be

* Speech not corrected by the Honourable Member.

† Printed as an Annexure to these Debates.

[Mr. Nur Ahmed.]

given some sort of representation in this most august Assembly. Sir, our policy is to give fair treatment to all minorities—not only fair but we have made, our Quaid-i-Azam has made and our important leaders have made, announcements that we in Pakistan will follow a policy which will be not only fair but generous to the minorities. I, therefore, appeal that the case of Buddhists should be considered. They should be given some sort of representation in this very important Assembly. With these few words, I support this motion.

***Prof. Ishtiaq Husain Qureshi** (East Bengal : Muslim) : Sir, I do not want to make a speech in connection with the taking into consideration of the report of this Committee. I would, however, like to be enlightened on one point. The terms of reference of this Committee according to the resolution passed by this Assembly were as given in the resolution printed at the bottom of the first page. I do not find any reference in these terms of reference to certain issues raised towards the end of the report. I would like to be enlightened as to how it happened that the Committee went outside its terms of reference.

The Honourable Khwaja Shahabuddin (East Bengal : Muslim) : Sir, I think it will be convenient if I deal with these points when I move my second motion. Therefore, I reserve my observations till then.

Mr. President : I think you may do so if you like but as these are objections regarding the proceedings of the committee itself it will be better if you explain the position now.

The Honourable Khwaja Shahabuddin : If you like, I can explain.

Mr. President : I think that will be better.

The Honourable Khwaja Shahabuddin : Sir, as for the points raised by my friend, Mr. Nur Ahmed, he has himself answered it that the East Bengal Government in reply to our enquiry stated that they did not think that the change of population in East Bengal justified any re-distribution or adjustment of seats. Therefore the Committee did not consider the question of East Bengal, as also of the North-West Frontier Province.

As regards the question raised by Dr. Qureshi, Sir, the point is that the Resolution said—

“That this Assembly do resolve that a Committee consisting of four members and a Chairman be nominated by the President to report to the Assembly by the 1st April, 1948, on the following matter :

- (i) addition and/or re-distribution of seats in the Constituent Assembly in view of the recent changes in the population of various provinces of Pakistan ; and
- (ii) procedure for giving effect to the Committee's recommendations.”

I admit, Sir, the reference made by Dr. Qureshi is a very moot point and it is debatable whether the Committee did not exceed its terms of reference in making these recommendations, but the Committee was of opinion that the word ‘addition’ did bring within the purview of the Committee any recommendations that they have made in respect of the minorities. I understand that Khan Sardar Bahadur Khan has given notice of a certain amendment to my next Resolution which will be coming. When that Resolution is discussed I will deal with that matter.

Mr. President : The question before the House is :

“That the Report of the Committee appointed to examine the question of addition and/or re-distribution of seats in the Constituent Assembly be taken into consideration.”

The motion was adopted.

*Speech not corrected by the Honourable Member.

The Honourable Khwaja Shahabuddin : Sir, I beg to move :

“That this Assembly, having considered the report of the Committee appointed to examine the question of addition and/or re-distribution of seats in the Assembly, resolves :

- (1) that the number of Muslim seats allotted to the West Punjab in the Constituent Assembly be increased by five ;
- (2) that the number of Muslim seats allotted to Sind in the Constituent Assembly be increased by one ;
- (3) that one “ General ” seat allotted to Sind in the Constituent Assembly, which is at present vacant, be filled up in accordance with the existing Rules of the Constituent Assembly ;
- (4) that one seat be allotted to the minorities, that is Christians, Anglo-Pakistanis and Parsis of the whole of Pakistan and that for this purpose they be pooled together and their representative be elected by the Constituent Assembly of Pakistan ;

and that suitable steps be taken to implement these recommendations.”

Sir, I do not want to take up much of the time of the House. The Report which I have had the privilege and honour of presenting just now is a self-explanatory document. It will be found that when the Committee was appointed, the Honourable Raja Ghazanfar Ali Khan was the Chairman of the Committee, but he having since resigned, it has fallen to my lot to present this Report, and in pursuance of that Report I have placed this Resolution for the consideration of the House.

Sir, as it will be found from the Report, the Committee mainly based its recommendations on the figures available of the people who came in West Punjab and Sind. According to the figures available to us, it was found that approximately 53 lakhs of people came to West Punjab and less than a million to Sind and, according to the scheme of the Cabinet Mission,—one seat for every million,—we thought that West Punjab was entitled to five more Muslim seats. Accordingly, the Committee recommended that, and in the same way we recommended one more seat for Sind.

Dr. Qureshi, a little while ago, raised the question whether or not the Committee exceeded its terms of reference in making recommendations for giving special representation to some of the minorities. I have already admitted that it is a debatable point and it may be argued that the Committee did exceed its terms of reference. But, Sir, since then we have had some discussion and it appears that the best course to meet that consideration would be to fill one of the seats now vacant out of the five General seats allotted to West Punjab in the Constituent Assembly—four are vacant and one is in a very anomalous position. In any case, if one of these four vacant seats is filled, then the minorities in West Punjab will get an opportunity for representation in the Constituent Assembly. As far as the other units of Pakistan are concerned, there is a provision for a General seat from East Pakistan and if the minorities—especially my friend has mentioned the Buddhists—can represent their case properly to the electorate in East Pakistan, they have got an opportunity of being elected and represented in this House. So, Sir, as I have said, although I have placed this resolution, basing my recommendations on the Report of the Committee, yet I am prepared to accept the amendment, notice of which has been given by Sardar Bahadur Khan.

Mr. President : Motion moved :

“That this Assembly, having considered the report of the Committee appointed to examine the question of addition and/or re-distribution of seats in the Assembly, resolves :

- (1) that the number of Muslim seats allotted to the West Punjab in the Constituent Assembly be increased by five ;
- (2) that the number of Muslim seats allotted to Sind in the Constituent Assembly be increased by one ;

[The Hon'ble Khwaja Shahabuddin.]

- (3) that one "General" seat allotted to Sind in the Constituent Assembly, which is at present vacant, be filled up in accordance with the existing Rules of the Constituent Assembly ;
- (4) that one seat be allotted to the minorities, that is Christians, Anglo-Pakistanis and Parsis of the whole of Pakistan and that for this purpose they be pooled together and their representative be elected by the Constituent Assembly of Pakistan ;
- and that suitable steps be taken to implement these recommendations."

Mr. President : I understand a Member is present who has not yet made his declaration. He may be given an opportunity.

MEMBER SWORN

Mian Mumtaz Mohammad Khan Daultana (West Punjab : Muslim).

MOTION *RE* : REPORT OF THE COMMITTEE APPOINTED TO RECOMMEND ADDITION AND/OR RE-DISTRIBUTION OF SEATS IN THE CONSTITUENT ASSEMBLY—*concl'd.*

Khan Sardar Bahadur Khan (N.-W. F. P. : Muslim) : Sir, may I, with your permission, move my amendment to the Resolution ? Sir, I beg to move :

"That for clause (4) of the motion the following be substituted, namely :—

- '(4) that one of the five "General" seats allotted to the West Punjab in the Constituent Assembly of Pakistan, out of which four are vacant, be filled in accordance with the existing Rules of the Constituent Assembly'."

Sir, I do not think it is necessary for me to explain the implications of this amendment in detail because the Honourable Member in charge has given a detailed explanation in support of it already. Sir, I formally move the amendment.

Mr. President : The question is :

"That for clause (4) of the Motion, the following be substituted, namely :—

- '(4) that one of the five "General" seats allotted to the West Punjab in the Constituent Assembly of Pakistan, out of which four are vacant, be filled in accordance with the existing Rules of the Constituent Assembly'."

The motion was adopted.

Mr. President : Then I put the original motion, as amended. The question is :

"That this Assembly, having considered the report of the Committee appointed to examine the question of addition and/or re-distribution of seats in the Assembly, resolves :

- (1) that the number of Muslim seats allotted to the West Punjab in the Constituent Assembly be increased by five ;
 - (2) that the number of Muslim seats allotted to Sind in the Constituent Assembly be increased by one ;
 - (3) that one "General" seat allotted to Sind in the Constituent Assembly, which is at present vacant, be filled up in accordance with the existing Rules of the Constituent Assembly ;
 - (4) that one of the *five "General" seats allotted to the West Punjab in the Constituent Assembly of Pakistan, out of which *four are vacant, be filled in accordance with the existing Rules of the Constituent Assembly ;
- and that suitable steps be taken to implement these recommendations."

The motion was adopted.

*The words "five" and "four", being clerical errors, were subsequently changed into "three" and "two" respectively with the concurrence of the House, *vide* page 70 of the Debates of the Constituent Assembly of Pakistan, dated the 6th January, 1949

THE INDIAN INDEPENDENCE (AMENDMENT) BILL

The Honourable Khwaja Shahabuddin (East Bengal : Muslim) : Sir, I beg to introduce the Bill* further to amend the Indian Independence Act, 1947 (Third Amendment).

The Bill was introduced.

The Honourable Khwaja Shahabuddin : Sir, I beg to move :

“ That the Bill further to amend the Indian Independence Act, 1947 (Third Amendment), be taken into consideration. ”

Mr. President : The question is :

“ That the Bill further to amend the Indian Independence Act, 1947 (Third Amendment), be taken into consideration. ”

The motion was adopted.

Mr. President : Now, we will take up the Bill clause by clause.
Clause 2 was added to the Bill.

Mr. President : Now clause 1. Is there any amendment ?

Khan Sardar Bahadur Khan (N.-W. F. P. : Muslim) : Sir, I beg to move :

“ That in sub-clause (1) of clause 1, the word ‘ third ’ be omitted and the figure ‘ 1949 ’ be substituted for the figure ‘ 1948 ’. ”

Sir, this is a formal amendment and needs no detailed explanation. I formally move it.

Mr. President : The question is :

“ That in sub-clause (1) of clause 1, the word ‘ third ’ be omitted and the figure ‘ 1949 ’ be substituted for the figure ‘ 1948 ’. ”

The motion was adopted.

Mr. President : The question is :

“ That clause 1, as amended, stand part of the Bill. ”

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Khwaja Shahabuddin : Sir, I beg to move :

“ That the Bill, as amended, be passed. ”

Mr. President : The question is :

“ That the Bill, as amended, be passed. ”

The motion was adopted.

*Under Rule 43 of the Constituent Assembly Rules, the Bill was published in an Extraordinary Gazette of Pakistan, dated the 17th December, 1947.

MOTION *RE* : ESTIMATED EXPENDITURE OF THE CONSTITUENT ASSEMBLY FOR THE YEAR 1949-50

Khan Sardar Bahadur Khan (N.-W. F. P. : Muslim) : Sir, I move :

“Resolved that the Assembly do accord sanction in pursuance of Rule 73(1) of the Constituent Assembly Rules to the estimated expenditure of the Assembly for the year 1949-50 as shown in the statement below prepared by the Finance Committee :—

Statement

	Rs.
Pay of Officers	2,29,000
Pay of Establishment ..	1,94,000
Allowances and Honoraria	7,37,000
Other charges	1,01,000
Total :	12,61,000

Sir, according to the spirit of the Rule referred to in the body of the resolution, it is necessary that the estimate of expenditure of the Constituent Assembly must first be examined and approved by the Standing Finance Committee and then approved by the House. Thereafter it will be sent to the Finance Department for incorporation in the Annual Budget of the State. I would like to tell the House that these figures have been thoroughly examined by the Standing Finance Committee and it is the unanimous recommendation of that Committee that the Budget as formally presented by me today, should be endorsed by the House.

Sir, before I finish, I think I owe an explanation to the House for certain variations in the figures under different heads. For that purpose I would take up each one of the major heads *in seriatim* and offer brief observations and explanations.

The first item is “Pay of Officers”. The Budget Estimate for the year 1948-49 was Rs. 1,67,000 and for the year 1949-50 it is Rs. 2,29,000. The explanation in support of this increase is the provision of pay of President and the Deputy President and annual increments earned by the staff.

The second item is “Pay of Establishment”. The figures for 1948-49 were Rs. 1,84,000 and for the year 1949-50, it is Rs. 1,94,000. The variation is due to the additional posts of two senior and two junior Translators and annual increments earned during the course of the year.

The third item is “Allowances and Honoraria”. The figures for the year 1948-49 were Rs. 6,95,000 and for the year 1949-50 are Rs. 7,37,000. The provision has been made on the basis that the Constituent Assembly will hold more sessions of a total duration of at least about six months during the year under review, both as Constitution-making Body and as the Dominion Legislature.

The last item is “Other Charges”. The figure for 1948-49 was Rs. 89,000 whereas for this year it is Rs. 1,01,000. Details are given separately.

I formally move, Sir, that this Resolution be adopted.

Mr. President : Motion moved :

“Resolved that the Assembly do accord sanction in pursuance of Rule 73(1) of the Constituent Assembly Rules to the estimated expenditure of the Assembly for the year 1949-50 as shown in the statement below prepared by the Finance Committee :—

Statement

	Rs.
Pay of Officers	2,29,000
Pay of Establishment ..	1,94,000
Allowances and Honoraria	7,37,000
Other Charges	1,01,000
Total :	12,61,000

***Mr. Dharendra Nath Datta** (East Bengal : General) : Mr. President, 11 A.M. it is the privilege of every House to have a detailed statement before them so that they may be able to scrutinise it. We do not know the number of officers engaged in the Constituent Assembly and we do not know the strength of the establishment and we also do not know the details of other charges. Mr. President, you are aware that in every Assembly detailed statements are placed. I do not know, Sir, whether there has been some explanations of the increases but, Sir, you are aware that in all financial statements that are to be accepted by the House, unless detailed statements are placed, it is impossible to scrutinise them and to make any observations whatsoever. I submit, Sir, that that should be a convention in the House that in future at least, even if we do accord approval this time, in future with all financial statements to be placed for acceptance of the House, details should be given. I hope that these observations will be given effect in future.

Mr. President : The question is :

“Resolved that the Assembly do accord sanction in pursuance of Rule 73(1) of the Constituent Assembly Rules to the estimated expenditure of the Assembly for the year 1949-50 as shown in the statement below prepared by the Finance Committee :—

<i>Statement</i>				Rs.
Pay of Officers	..	..	..	2,29,000
Pay of Establishment	..	..	..	1,94,000
Allowances and Honoraria	..	..	..	7,37,000
Other Charges	..	..	..	1,01,000
Total..				12,61,000 ”

The motion was adopted.

Mr. President : We now take up some items on the supplementary orders of the day.

THE GOVERNMENT OF INDIA (AMENDMENT) BILL

The Honourable Mr. Liaquat Ali Khan (East Bengal : Muslim) : Sir, I beg to move for leave to introduce a Bill further to amend the Government of India Act, 1935.

Mr. M. A. Khuhro (Sind Muslim) : Sir, this Bill has been given notice of at 10 A.M. today and according to Rule 44 of the Constituent Assembly Rules of Business it has to be given 15 days' notice of. The Rule reads like this—

“Any Member desiring to move for leave to introduce a Bill shall give notice of his intention and shall together with a notice submit a copy of the Bill and full Statement of Objects and Reasons. The period of notice for leave to introduce a Bill under this shall be 15 days.”

The notice has been given at 10 O'Clock this morning and the very day the Bill is being introduced.

Mr. President : Yes, the notice was taken to be given this morning. This is quite true but in view of certain reasons the President has allowed the motion to be moved at such short notice. You see the Rule provides for that.

Mr. M. A. Khuhro : Yes, that is extraordinary power but when an important Bill is introduced amending the Government of India Act, I think it is fair to the House that notice should be given.

Mr. President : I do not think it is a question of being fair or unfair to the House because the Bill is simply being introduced just now. When the Bill is taken into consideration or any other motion is moved in connection of the Bill

[Mr. President.]

the House may take objection to a motion like that if it is proposed to be moved at short notice.

The Honourable Mr. Liaquat Ali Khan : Sir, I only wanted to say that this notice of 15 days that has been provided is really not for the benefit of the House because a motion never comes before the House unless it is put on the Agenda. Therefore, no Member of the House is really suffering from any disability in any way. It is really for the convenience of the Office of the President. In view of the importance of the matter you had been good enough to waive that condition of 15 days' notice and I do not see how any Member of the House is undergoing any difficulty on account of the shortness of notice.

Mr. President : The question is :

"That leave be granted to introduce a Bill further to amend the Government of India Act, 1935."

The motion was adopted.

The Honourable Mr. Liaquat Ali Khan : Sir, I introduce the Bill.

THE PUBLIC AND REPRESENTATIVE OFFICE (DISQUALIFICATION) BILL

The Honourable Mr. Liaquat Ali Khan (East Bengal : Muslim) : Sir, I beg to move for leave to introduce a Bill to provide for the debarring from public life for a suitable period of persons judicially found guilty of misconduct in any public office or representative capacity or in any matter relating thereto.

Mr. President : The question is :

"That leave be granted to introduce a Bill to provide for the debarring from public life for a suitable period of persons judicially found guilty of misconduct in any public office or representative capacity or in any matter relating thereto."

The motion was adopted.

The Honourable Mr. Liaquat Ali Khan : Sir, I introduce the Bill.

MOTION *RE* : FIXATION OF ALLOWANCES OF MEMBERS OF THE CONSTITUENT ASSEMBLY

Khan Sardar Bahadur Khan (N.-W. F. P. : Muslim) : Sir, I move :

"Resolved that the Assembly do fix under Rule 74 of the Constituent Assembly Rules the allowances of Members of the Assembly as in the attached schedule approved by the Finance Committee."

Am I supposed to read out the whole of the Schedule ?

Prof. Raj Kumar Chakraverty (East Bengal : General) : You may take it as read.

The Honourable Mr. Liaquat Ali Khan (East Bengal : Muslim) : Sir, may I suggest for your consideration that it may be taken as if it has been read and then we may go rule by rule, i.e., first rule, second rule and so on and so forth so that if any Members have any comments to make on any rule they may be able to do so. That, I think, would be more speedy way of dealing with this matter.

Mr. President : I think it is a very feasible suggestion. It is more or less in the nature of a Bill. Just as the whole Bill is not read out it is not necessary to read out the whole motion before the House.

Khan Sardar Bahadur Khan : Sir, may I offer brief observations in support of this motion with your permission? Sir, I presume the House is aware that hitherto the travelling allowance and halting allowance of the Members of the Constituent Assembly were governed by a set of rules framed by the President of the Constituent Assembly. Special powers were conferred on him by a Resolution of the Constituent Assembly which reads thus :

“ That th's Assembly resolve that pending the decision of the Assembly in that behalf, the President shall fix the allowance of the Members of the Assembly.”

Subsequently, it was considered necessary and desirable to make certain changes in the set of rules in vogue. These changes have been examined by the Standing Finance Committee as well as the revised rules gone and it has got the approval of the Standing Finance Committee. That is all I have to say in support of my motion, which I formally make.

Mr. President : Under the procedure that we are now following, it comes to this that the House has either agreed or it must agree to a motion like this, namely, that the rules be taken into consideration. I believe the House agrees to the motion that the Rules be taken into consideration. (*Voices : ' Yes, yes. '*) Then, we take these Rules one by one.

***Mr. Dharendra Nath Datta (East Bengal : General) :** Sir, I move :

“ That in the Schedule to the Motion, in Note 1 to paragraph I (A) (bearing the heading '*JOURNEYS BY RAIL OR STEAMER*') of Rule 1 for the words ' District of Sylhet ' the words ' Province of East Bengal ' be substituted.”

As an exception to this Note, a Member who comes from the district of Sylhet is entitled to draw travelling allowance *via* Calcutta, Delhi and Lahore instead of by the shortest route, provided he actually travels by this route. I submit that if a Member who comes from the district of Sylhet is entitled to the benefit of this route, Members coming from East Bengal should also be entitled to the benefit of this exception. So, this exception should be in favour of Members coming from Sylhet as well as East Bengal.

Mr. President : Amendment moved :

“ That in the Schedule to the Motion, in Note I to paragraph I (A) (bearing the heading '*JOURNEYS BY RAIL OR STEAMER*') of Rule 1 for the words ' District of Sylhet ' the words ' Province of East Bengal ' be substituted.”

Khan Sardar Bahadur Khan : Sir, I accept the amendment.

Mr. President : The question is :

“ That in the Schedule to the Motion, in Note 1 to paragraph I (A) (bearing the heading '*JOURNEYS BY RAIL OR STEAMER*') of Rule 1 for the words ' District of Sylhet ' the words ' Province of East Bengal ' be substituted.”

The motion was adopted.

***Mr. Dharendra Nath Datta :** Sir, I move :

“ That in the Schedule to the Motion, after paragraph I (C) (bearing the heading '*JOURNEYS BY AIR*') of Rule 1 the following note be added :—

‘ Note :—A Member who performs a portion of journey by Air and the remaining portion by Rail or Steamer is entitled to the benefit of the terms mentioned in this paragraph for the journey covered by Air and to the benefit of the terms mentioned in paragraph I (A) for the journey covered by Rail or Steamer.’ ”

[Mr. Dharendra Nath Datta.]

Sub-rule (C) runs thus :

" Except in the case of intermediate journeys which will be governed by paragraph 3, a Member who performs a journey by air can draw the actual fare by air *plus* 3/5ths of the first class fare admissible by rail."

I do not know whether this note is necessary, but I feel that the matter should be made clear. What I want to be cleared is that a Member who performs a portion of his journey by air and the remaining portion of it by rail or steamer should be entitled to the benefit which is mentioned in sub-rule I (C) and also to the benefit which is mentioned in sub-rule I (A). With these observations I move my amendment for the acceptance of the House.

Mr. President : Amendment moved :

" That in the Schedule to the Motion, after paragraph I (C) (bearing the heading '*JOURNEYS BY AIR*') of Rule 1 the following note be added:—

' Note :—A Member who performs a portion of journey by Air and the remaining portion by Rail or Steamer is entitled to the benefit of the terms mentioned in this paragraph for the journey covered by Air and to the benefit of the terms mentioned in paragraph I (A) for the journey covered by Rail or Steamer '."

Khan Sardar Bahadur Khan : Sir, I do not think this amendment is at all necessary. I have consulted the Accounts Officer of the Constituent Assembly and he has given me an assurance that even without this amendment or the Note which Mr. Dharendra Nath Datta proposes to incorporate in the body of the Rules, the present procedure is the same. But if he is particularly keen on inserting it in the Rules, I have no objection to accept his amendment. But I submit that this amendment is not at all necessary.

Mr. Dharendra Nath Datta : It is for you to decide.

Khan Sardar Bahadur Khan : If it is not necessary, then the best course is to withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

Rule 1 of the Schedule, as amended, was added to the Rules.

Mr. M. H. Gazder (Sind : Muslim) : Sir, I move :

" That in the Schedule to the Motion, Rule 2 (bearing the heading '*JOURNEY WHERE THE MEANS OF CONVEYANCE ARE SUPPLIED WITHOUT CHARGE*') be omitted and the subsequent Rules be re-numbered accordingly."

Mr. President : Amendment moved :

" That in the Schedule to the motion, Rule 2 (bearing the heading '*JOURNEY WHERE THE MEANS OF CONVEYANCE ARE SUPPLIED WITHOUT CHARGE*') be omitted and the subsequent Rules be re-numbered accordingly."

Khan Sardar Bahadur Khan : Sir, I accept the amendment.

Mr. President : The question is :

" That in the Schedule to the motion, Rule 2 (bearing the heading '*JOURNEY WHERE THE MEANS OF CONVEYANCE ARE SUPPLIED WITHOUT CHARGE*') be omitted and the subsequent Rules be re-numbered accordingly."

The motion was adopted.

Rule 2, as amended, was added to the Rules.

Rules 3 and 4 of the Schedule were added to the Rules.

Mr. M. H. Gazder : Sir, I move :

“ That in the Schedule to the Motion, for Rule 5 the following be substituted :

‘ 5. *ALLOWANCES ADMISSIBLE TO MEMBERS RESIDING AT THE PLACE WHERE THE ASSEMBLY MEETS.* A Member who is the resident of the place at which the Assembly meets or other business is transacted is entitled to draw an allowance of Rs. 45 (Rupees forty-five) per diem for the entire period of the Assembly Session or other business transacted’.”

Mr. President : Amendment moved :

“ That in the Schedule to the Motion, for Rule 5 the following be substituted :

‘ 5. *ALLOWANCES ADMISSIBLE TO MEMBERS RESIDING AT THE PLACE WHERE THE ASSEMBLY MEETS.* A Member who is the resident of the place at which the Assembly meets or other business is transacted is entitled to draw an allowance of Rs. 45 (Rupees forty-five) per diem for the entire period of the Assembly Session or other business transacted’.”

Khan Sardar Bahadur Khan : Sir, the amendment, as it stands, is unacceptable to me. If Mr. Gazder agrees to insert the following words at the end of his amendment, I shall then be in a position to accept his amendment :

“ If he is present at the place where the Assembly meets or other business is transacted. ”

The amendment will then read thus :

“ A Member who is the resident of the place at which the Assembly meets or other business is transacted is entitled to draw an allowance of Rs. 45 (Rupees forty-five) per diem for the entire period of the Assembly Session or other business transacted, if he is present at the place where the Assembly meets or other business is transacted. ”

Mr. M. H. Gazder : I accept the amendment.

Khan Sardar Bahadur Khan : You have got to move it formally. It is not a question of mere acceptance.

Mr. M. H. Gazder : Sir, I move that at the end the following words be added :—

“ if he is present at the place where the Assembly meets or other business is transacted. ”

Khan Sardar Bahadur Khan : I accept the amendment.

Mr. President : There is only one word which seems to me to be not appropriate. In the first line of the amendment I think it should be “ a member who is ‘ a ’ instead of ‘ the ’ resident of the place ”. That amendment may be made.

The amendment is that —

“ A member who is a resident of the place at which the Assembly meets or other business is transacted is entitled to draw an allowance of Rs. 45 (Rupees forty-five) per diem for the entire period of the Assembly Session or other business transacted, if he is present at the place where the Assembly meets or other business is transacted. ”

Mr. Liaquat Ali Khan : Somebody has suggested that it would be better language if instead of “ if ” we say “ provided ”.

Mr. President : I think so.

Prof. Ishtiaq Husain Qureshi (East Bengal : Muslim) : Sir, I have another objection. I am afraid the language of the amendment is ambiguous. It should be clearly defined that the Member would draw the allowance for the period during which he is present. Supposing the Assembly sits for twenty days and Mr. X is resident at Karachi and if he is present only for five days out of twenty, then there may be some difficulty in enforcing this rule.

The Honourable Khwaja Shahabuddin (East Bengal : Muslim) : It should be made clear. That is the intention :

Prof. Ishtiaq Husain Qureshi : Supposing he is present in Karachi only for five days and he is a resident of Karachi and the Assembly meets for twenty days, will he be entitled to draw the allowance for five or twenty days ?

Mr. M. H. Gazder : He will get for five days only.

Prof. Ishtiaq Husain Qureshi : But that is not clear.

The Honourable Khwaja Shahabuddin : I think, Dr. Qureshi should suggest an amendment.

***Mr. Dharendra Nath Datta** : We oppose the amendment. I think the original rule was better :—

“A Member.....is entitled to draw an allowance of Rs. 45 (Rupees forty-five) per diem for the days on which he actually attends such meetings or transacts such other business.”

Mr. President, you are aware that in analogous Assemblies a Member who is resident at a place where the meeting is held is not entitled to draw any daily allowance at all. In the Provincial Legislature of Bengal, a member who is a resident of the city of Calcutta is not entitled to draw any daily allowance at all. He is entitled only to get the conveyance allowance. That was the procedure and here we have provided that he is entitled to draw the daily allowance of Rs. 45 per diem for the days on which he actually attends meetings or transacts such other business. “Actually attends such meetings or transacts such other business”, that was the original rule and this rule is sought to be amended “provided he is present in the city of Karachi”. He may be present in the city of Karachi. He may be doing other business but does not attend to Assembly business. I think, Sir, he should not be entitled to draw any daily allowance whatever, provided he is present and attends the meetings, and then and then only he is entitled to draw the daily allowance, otherwise not. That was the original rule. The original rule, Sir, is good and I think the amendment that is sought to be moved should be opposed. I think there is a concession given in favour of the person who is residing in the city of Karachi by the original rule and a further concession should not be given. He must be present and he must attend and then and then only he should be entitled to the allowance for the days he actually attends. So, Sir, I oppose the amendment and support the Motion as it stands.

The Hon. **Mr. Liaquat Ali Khan** : May I point out that the debate on this amendment had already finished and you had actually put half of the question to the House and it was only to improve the language that some suggestion was made and I do submit that it would be wrong for us to establish this precedent that while we are trying to improve the language of an amendment we start a full-dress debate on that once again.

Mr. President : But regarding Dr. Qureshi's suggestion, does he actually suggest anything to improve the language ? Of course, when last minute amendments like this are made on the Floor of the House difficulties do arise. The language in such cases may not be satisfactory.

*Speech not corrected by the Honourable Member.

Prof. Ishtiaq Husain Qureshi : Sir, I make a definite suggestion. With your permission, Sir, I would suggest :

“.....per diem for the period of the Assembly session or other business transacted during which he is present at the place of the meeting or transaction of the business.

Mr. President : Will you send in your amendment ?

Prof. Ishtiaq Husain Qureshi : I will write it out, Sir.

(The Honourable Member wrote his amendment and sent it to Mr. President.)

Mr. President : I think that may serve the purpose we are aiming at. I place the motion again before the House so that the House may realise its implications better.

The question is :

“ A member who is a resident of the place at which the Assembly meets or other business is transacted is entitled to draw an allowance of Rs. 45 (Rupees forty-five) per diem for the period of the Assembly session or other business transacted during which he is present at the place of the meeting or transaction of business.”

The Motion was adopted.

Rule 5, as amended, was added to the Rules.

Mr. President : There appear to be no amendments to Rules 6 to 8.

Khan Sardar Bahadur Khan : Rule 5A has been inserted.

Rules 5A to 8 of the schedule were added to the Rules.

Khan Sardar Bahadur Khan : Sir, I beg to move :

“ That the Rules, as amended, be passed.”

Mr. President : The question is :

“ That the Rules, as amended, be passed. ”

The motion was adopted.

Mr. President : We have finished the Agenda. The House stands adjourned till 11 A.M. day after tomorrow.

The Assembly then adjourned till Eleven of the Clock, on Wednesday, the 5th January, 1949.

ANNEXURE

Report of Committee on addition and or/Re-distribution of seats in the Constituent Assembly of Pakistan presented to the Assembly on the 18th May, 1948.

In pursuance of the provisions of a Resolution* passed by the Assembly on February 24, 1948, the President appointed a Committee to examine the question of addition and/or re-distribution of seats in the Assembly, consisting of the following :—

1. The Hon'ble Mr. Ghazanfar Ali Khan—*Chairman*.
2. Begum Jahan Ara Shah Nawaz.
3. Khwaja Shahabuddin.
4. Mr. Dharendra Nath Datta.
5. The Hon'ble Mr. M. A. Khuhro.

The Committee held its preliminary meeting at Karachi on March 7, 1948, and decided to adjourn to meet at Lahore on March 24, 1948.

After the first meeting, Mr. Dharendra Nath Datta, a member from East Bengal, expressed his inability to serve on the Committee any longer due to his pre-occupations in East Bengal. The said member accordingly submitted his resignation from the Committee. All the remaining members attended the subsequent meetings of the Committee at Lahore.

In order to elicit public and official opinion on the question of re-distribution of seats, the Committee issued one Questionnaire before and a supplementary Questionnaire after its first meeting. The replies received were scrutinised by the Committee during its session at Lahore.

As regards East Bengal, N.-W.F.P. and Baluchistan, the Governments of these Provinces did not require any change and the Committee felt satisfied that there was no need for any addition or re-distribution of seats in the Constituent Assembly in respect of these Provinces.

The Government of the West Punjab asked for seven and the Government of Sind for two additional seats. A claim was also pressed on behalf of the Pakistani Christians and Anglo-Pakistanis for allocation of separate seats for their communities in the Constituent Assembly of Pakistan.

The Committee accordingly examined the representatives of minorities as well as other witnesses.

The following gave evidence :—

1. Mr. C. E. Gibbon, M. L. A., Founder-President, Anglo-Pakistani Association of Pakistan, Lahore.
2. Dewan Bahadur S. P. Singha, M. L. A., President, All-Pakistan Christian League, Lahore.
3. Mr. E. de V. Moss of the Refugee and Rehabilitation Ministry, Government of Pakistan.
4. Prof. S. M. Hasan.
5. Ch. Mohd. Hasan, M. L. A., and Sufi Abdul Hamid Khan, M. L. A., West Punjab.

* " That this Assembly do resolve that a Committee consisting of four members and a Chairman be nominated by the President to report to the Assembly by the 1st April, 1948, on the following matter :—

- (i) addition and/or re-distribution of seats in the Constituent Assembly in view of the recent changes in the population of various provinces of Pakistan ; and
- (ii) procedure for giving effect to the Committee's recommendations.

The quorum of the Committee will be three including the Chairman. "

6. Mr. H. A. Majid, Chief Secretary, West Punjab Government.
7. The Hon'ble Sardar Shaukat Hayat Khan, M. L. A., Minister, West Punjab Government, Lahore.
8. The Hon'ble Khan Iftikhar Hussain Khan of Mamdot, M. L. A., Premier, West Punjab Government, Lahore.
9. Mr. M. H. Gazder, M. L. A., Sind.

After a careful consideration of the entire evidence and the replies sent to the Questionnaires by various persons, the Committee came to the conclusion that the following issues required determination :—

- (1) What has been the increase in the population of Muslims in the West Punjab and Sind since August 15th, 1947 ? And in view of this increase how many additional seats, if at all, be allotted to each Province according to the scale of representation prescribed by the Cabinet Mission Plan ?
- (2) Should the additional Muslim seats, if created, be filled up according to the Cabinet Mission Plan or should they be reserved for Muslim immigrants only ?
- (3) Whether the three communities, namely, Pakistani Christians, Anglo-Pakistanis and Parsis, should be given representation ? If so, whether they should be pooled together or given separate representation ?
- (4) Whether the representation of the minorities should be secured by—
 - (i) election,
 - (ii) nomination by Quaid-i-Azam,
 - (iii) co-option by the Constituent Assembly ?

Discussion of evidence before the Committee

Issue No. 1—

What has been the increase in the population of Muslims in the West Punjab and Sind since August 15, 1947 ? And in view of this increase how many additional seats, if at all, be allotted to each Province according to the scale of representation prescribed by the Cabinet Mission Plan ?

*West Punjab :—*The Committee examined the following persons on this issue—

- (1) Mr. E. de V. Moss.
- (2) Prof. Hasan.
- (3) The Hon'ble Sardar Shaukat Hayat Khan.
- (4) Mr. H. A. Majid.
- (5) The Hon'ble Khan Iftikhar Hussain Khan of Mamdot.

Mr. E. de V. Moss said that the best overall figure of increase which his Ministry, namely, the Ministry of Refugees and Rehabilitation could give was 52,78,000 excluding 2,50,000 temporary refugees from Kashmir and Jammu but including those from Alwar, Bharatpur, Delhi and East Punjab States. From the evidence of Mr. Moss the Committee gathered that his figures were based on reports sent by the Tehsildars directly to the Ministry of Refugees.

Mr. Moss admitted that the calculations of his Ministry were based on a standard of 3,500 refugees per train and this number multiplied by the number of trains would bring the total up to 52,78,000. He admitted that some trains

brought 5,000 each while others brought only 2,000 each and yet there were many other refugees who had come to Pakistan through different channels and on foot.

Prof. Hasan's evidence showed that the present total population of the West Punjab was 181·71 lakhs. This included 128·93 lakhs, the original population of the West Punjab, and 52·78 lakhs refugees who had settled in the Province. But this estimate did not include the variation caused by the division of several villages on the boundary line although this figure included the Shakargarh Tehsil in the West Punjab and the whole of Kasur Tehsil *minus* Kasur town in the East Punjab. Prof. Hasan's figures were also based on the same method of calculation as those given by Mr. Moss.

The evidence of Khan Iftikhar Hussain Khan of Mamdot and Sardar Shaukat Hyat Khan mainly related to the reservation of seats for the refugees.

Mr. H. A. Majid did not agree with the figures of 52,78,000 given by Mr. Moss. He said that these figures could not be accurate because once a group of about 2 lakhs of refugees arrived at Luddan without anyone's assistance. He wanted to stick to the view that 59·26 lakhs of refugees had settled or were going to be settled in the West Punjab. He, however, said that this figure related to the East Punjab and East Punjab States. To this he would add the refugees from Alwar, Delhi, U. P. and other places to make the total number of about 67·81 lakhs. Out of this total of 67·81 lakhs, 6 lakhs had gone to Sind, 2 lakhs to Bahawalpur, 10,000 to N.-W.F.P. and a few lakhs might be said to have died. The total of Muslim refugees in the West Punjab, therefore, might be 52·78 lakhs although Mr. Majid would not attach any authenticity to this figure.

Considering the evidence as a whole, the Committee was of the opinion that the number of Muslim refugees who had settled in the West Punjab was about 5·3 millions and that accordingly 5 additional Muslim Seats might be allotted to the West Punjab in the Constituent Assembly.

Sind

The population of Sind according to 1941 census was 4·5 millions ; of this 3·2 millions were Muslims and 1·3 Non-Muslims.

The Sind Government put up a claim for two additional seats in the Constituent Assembly on the ground that the increase in the population was continuous and it was likely to be more than 1·5 millions.

The evidence of the increase of the population in Sind was contained in the reply to the Questionnaire sent by Mr. Kehar, Secretary, Sind Government, and in the evidence of Mr. M. H. Gazder. The effect of their evidence was that the number of Non-Muslims who had left Sind was ·8 million and the number of Muslims who had migrated to Sind was about 1 million. In the absence of any definite figures of increase the Committee was of the opinion that at least 1 million Muslim refugees had settled in Sind and that, therefore, one additional Muslim seat might be allotted to Sind in the Constituent Assembly. As ·5 million Non-Muslims were still living in Sind the Committee was further of the opinion that the General seat allotted to Sind in the Constituent Assembly might be retained.

Issue No. 2—

Should the additional Muslim seats, if created, be filled up according to the Cabinet Mission Plan or should they be reserved for Muslim immigrants only ?

Two representatives of the Muslim refugees from East Punjab, namely, Messrs. Mohd. Hasan and Sufi Abdul Hamid Khan, M.L.As. were examined

by the Committee. They stated that they would prefer reservation of seats for the Muslim refugees. They also stressed strenuously that there was a possibility that unless the seats were reserved for them they might not be able to win the election since the whole West Punjab Legislative Assembly elected the candidates. They assured the Committee that they did not want to create class distinctions. They thought that if six seats were to be added to the West Punjab Muslim quota, four seats should at least be reserved for the East Punjab M. L. As. They, however, agreed to leave to the Committee to decide whether, in the wider interests of the nation, the seats should be thrown open to all the Muslim nationals of the Province.

Khan Iftikhar Hussain Khan of Mamdot said that he would, as a gesture of goodwill, like to earmark these seats for the Muslim refugees in the first instance only, but he would not object if the matter was decided by the Parliamentary Board of the Muslim League Party.

According to the Cabinet Mission Plan the representatives of Muslims in the Constituent Assembly for each Province should be elected by the Muslim part of the Provincial Legislative Assembly by the method of proportional representation with single transferable vote. The Committee examined the question of reserving the additional Muslim seats for East Punjab Muslim M. L. As. in all its aspects, but did not see any sufficient reason to suggest any change and accordingly it was of opinion that the additional Muslim seats in the case of the West Punjab and Sind should be filled up in accordance with the Cabinet Mission Plan.

Issue No. 3—

Whether the three communities, namely, Pakistani Christians, Anglo-Pakistanis and Parsis, should be given representation? If so, whether they should be pooled together or given separate representation?

The total population of the three communities is—

1. Pakistani Christians	..	..	..	about 4,10,000
2. Anglo-Pakistanis	..	..	..	„ 20,000
3. Parsis	..	..	..	„ 4,489

The structure of the Constituent Assembly is based on the Cabinet Mission Plan of representation, namely, one member for one million of population. The total number of these minorities does not justify more than one seat. The Committee express their full sympathy with the demands made by the representatives of the minorities, namely, Mr. S. P. Singha, representative of the Christians and Mr. Gibbon on behalf of the Anglo-Pakistanis, but regret their inability to allot more than one seat to these minorities, as it would not be possible legally under the Cabinet Mission Plan.

Issue No. 4—

“ Whether the representation of the minorities should be secured by—

- (i) election,
- (ii) nomination by Quaid-i-Azam, or
- (iii) co-option by the Constituent Assembly ? ”

Although one of the members maintained that the representative of three minorities might be co-opted by the Constituent Assembly, the majority of the Committee was of the opinion that he should be nominated by Quaid-i-Azam.

Recommendations

In view of the above findings the Committee recommend that—

I. (a) The number of Muslim seats allotted to the West Punjab in the Constituent Assembly be for the present increased by five ;

(b) the number of Muslim seats allotted to Sind in the Constituent Assembly be increased by one ;
and in either case the seats should not be reserved for, and the electorate should not be confined to, any particular class of Muslims.

The Committee, however, liked to emphasize the fact that the additional seats were being recommended mainly for the reason that a large number of Muslims had migrated from India to Pakistan.

II. (a) The seats vacated by Non-Muslims in the West Punjab need not be filled up. Out of Non-Muslim seats allotted to the West Punjab in the Constituent Assembly, Mr. Ganga Saran had not resigned. If constitutionally he was entitled to retain his seat, the question of an extra seat for the Muslims of the West Punjab should not arise. But in case he resigned, or constitutionally he was not entitled to retain the seat, then, in the opinion of the Chairman and Begum Shah Nawaz, an extra seat should be given to the Muslims of the West Punjab in the Constituent Assembly.

The Hon'ble Mr. M. A. Khuhro and Mr. K. Shahabuddin were of the view that according to the terms of reference of the Committee and the rulings given by the Chairman in this connection, the seats were to be allotted according to the figures of population of immigrants in the West Punjab as well as in Sind. As the figures clearly indicated that the number of Muslim immigrants in the West Punjab was about 53 lakhs, the West Punjab was not entitled to more than 5 additional Muslim seats worked out at the rate of one seat for each million of population according to the Cabinet Mission Plan. The same principle had been applied in the case of Sind where for the population of about a million immigrants, only one more seat had been recommended. They were, therefore, of opinion that it would be going beyond the terms of reference of the Committee and inconsistent with the principle under which it had been working to recommend any extra Muslim seat over and above the 5 seats unanimously recommended for the West Punjab.

They maintained that the case of Mr. Ganga Saran was entirely different. The Hindu population of the West Punjab amounted to a few thousands. The question should be constitutionally examined whether he could continue as Member of the Constituent Assembly, and in the case of his resignation or removal on constitutional grounds, in their opinion, the seat being that of a Non-Muslim, the question of allotting that seat to a Muslim need not arise, and would be contrary to the Cabinet Mission Plan on which the Dominion of Pakistan had been working so far.

(b) In Sind, the general part of the Sind Assembly might be asked to elect its representative to the Constituent Assembly.

III. One seat may be allotted combinedly to three minority communities, namely, Pakistani Christians, Anglo-Pakistanis and Parsis as all of them collectively represent a population of about 5 lakhs, and according to the view held by the majority of the Committee, their representative should be nominated to the Assembly by Quaid-i-Azam and there should be no election.

The minority held the view that the representative of minorities should be elected by the Constituent Assembly of Pakistan.

Procedure

If the Constituent Assembly accept the recommendations of the Committee, it may by a motion resolve—

(1) that the number of Muslim Seats allotted to the West Punjab in the Constituent Assembly be, for the present, increased by five ;

(2) that the number of Muslim Seats allotted to Sind in the Constituent Assembly be increased by one ;

(3) that one ' General ' Seat allotted to Sind in the Constituent Assembly, which is at present vacant, may be filled up in accordance with the existing rules of the Constituent Assembly ;

(4) that one seat may be allotted to the minorities, that is, Christians, Anglo-Pakistanis and Parsis of the whole of Pakistan and that for this purpose they may be pooled together and their representative may be nominated by Quaid-i-Azam ;

and that suitable steps be taken to implement these recommendations.

GHAZANFAR ALI KHAN.

JAHAN ARA SHAH NAWAZ

M. A. KHUHHRO.

K. SHAHABUDDIN.